FILED

2016 NOV 16 PM 4:53

CLERK ... MIDDLE DISTRICT ... JACKSONVILLE DISTRICT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

ERWIN PHILLIPS BURLEY
a/k/a "BLUE JAY"

CASE NO.	3:16-cr-171-J-34JRK
Cts. 1 -2:	18 U.S.C. § 1591
Ct. 3:	18 U.S.C. § 2421
Cts. 4-5:	18 U.S.C. §2422(a)

United States Courts
Southern District of Texas
FILED
December 06, 2016
David J. Bradley, Clerk of Court

H 16-1742M

INDICTMENT

The Grand Jury charges:

COUNT ONE

From in or about May 2016, through on or about July 25, 2016, in the Middle District of Florida, Texas, and elsewhere, the defendant,

ERWIN PHILLIPS BURLEY,
a/k/a "Blue Jay",

in and affecting interstate and foreign commerce did knowingly recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicit a person, that is S.W., while knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be used to cause such S.W. to engage in a commercial sex act.

In violation of 18 U.S.C. § 1591.

COUNT TWO

From on or about August 1, 2015, through on or about July 20, 2016, 2016, in the Middle District of Florida, Texas, Louisiana, and elsewhere, the defendant,

ERWIN PHILLIPS BURLEY,
a/k/a "Blue Jay",

in and affecting interstate and foreign commerce did knowingly recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicit a person, that is N.F., while knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion would be used to cause such N.F. to engage in a commercial sex act.

In violation of 18 U.S.C. § 1591.

COUNT THREE

From on or about July 14, 2016, through on or about July 25, 2016, in the Middle District of Florida, Texas, Louisiana, and elsewhere, the defendant,

ERWIN PHILLIPS BURLEY,
a/k/a "Blue Jay",

knowingly did transport individuals, that is S.W. and N.F., in interstate commerce from the states of Texas and Louisiana, to Jacksonville, Florida, with the intent that S.W. and N.F. engage in prostitution.

In violation of 18 U.S.C. § 2421.

COUNT FOUR

From on or about July 14, 2016, through on or about July 25, 2016, in the Middle District of Florida, Texas, and elsewhere, the defendant,

ERWIN PHILLIPS BURLEY,
a/k/a "Blue Jay",

knowingly did persuade, induce, entice, and coerce individuals, that is S.W. to travel in interstate commerce from Texas and Louisiana to Florida, with the intent that S.W. engage in prostitution.

In violation of 18 U.S.C. § 2422(a).

COUNT FIVE

From on or about July 14, 2016, through on or about July 20, 2016, in the Middle District of Florida, Louisiana, and elsewhere, the defendant,

ERWIN PHILLIPS BURLEY,
a/k/a "Blue Jay",

knowingly did persuade, induce, entice, and coerce individuals, that is N.F., to travel in interstate commerce from Louisiana to Florida, with the intent that N.F. engage in prostitution.

In violation of 18 U.S.C. § 2422(a).

FORFEITURES

1. The allegations contained in Counts One through Five of this

Indictment are incorporated by reference for the purpose of alleging forfeiture under 18 U.S.C. §§ 1594 and 2428.

2. Upon conviction of a violation of 18 U.S.C. §§ 1591, 2421, and/or 2422(a), the defendant,

ERWIN PHILLIPS BURLEY,
a/k/a "Blue Jay,"

shall forfeit to the United States of America, pursuant to 18 U.S.C. §§ 1594 and 2428:

a. any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the violation and;

b. any property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of the violation.

3. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property under 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,

Foreperson

A. LEE BENTLEY, III
United States Attorney

By: Ashley Washington
Assistant United States Attorney

By: Mac D. Heavener, III
Assistant United States Attorney
Deputy Chief, Jacksonville Division

FORM OBD-34
APR 1991

No.

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

ERWIN PHILLIPS BURLEY,
a/k/a "Blue Jay"

INDICTMENT

Violations:

Ct. 1:	18 U.S.C. § 1591
Ct. 2:	18 U.S.C. § 1591
Ct. 3:	18 U.S.C. § 2421
Ct. 4:	18 U.S.C. § 2422(a)
Ct. 5:	18 U.S.C. § 2422(a)

A true bill,

Foreperson

Filed in open court this 16th day

of November, 2016.

Clerk

Bail $______________

AO 442 (Rev. 11/11) Arrest Warrant

RECEIVED U.S. MARSHALS
M/FL JACKSONVILLE
2016 NOV -9 PM 4:40

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
ERWIN PHILLIPS BURLEY
A/K/A "BLU JAY"

Defendant

Case No. 3:16-mj-1307-JBT

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay *(name of person to be arrested)* ERWIN PHILLIPS BURLEY A/K/A "BLU JAY",
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☑ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

In July 2016, in the Middle District of Florida and elsewhere, Erwin Phillips Burley a/k/a "Blu Jay" in and affecting interstate and foreign commerce did knowingly recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicits a person, that is N.F., while knowing and in reckless disregard of the fact that means of fforce, threats of force, fraud, or coercion would be used to cause such N.F. to engage in a commercial sex act in violation of 18 U.S.C. § 1591(a).

Date: 11/9/16

Issuing officer's signature

City and state: Jacksonville, Florida

Joel B. Toomey, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on *(date)* ________, and the person was arrested on *(date)* ________
at *(city and state)* ________.

Date: ________

Arresting officer's signature

Printed name and title

AO 442 (Rev. 11/11) Arrest Warrant

RECEIVED U.S. MARSHALS M/FL JACKSONVILLE
2016 NOV 17 PM 1:09

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
Erwin Phillips Burley
a/k/a "Blue Jay"

Defendant

Case No. 3:16-cr- 171-J-34JRK

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay *(name of person to be arrested)*, Erwin Phillips Burley, a/k/a "Blue Jay",

who is accused of an offense or violation based on the following document filed with the court:

☒Indictment ☐ Superseding Indictment ☐Information ☐Superseding Information ☐Complaint
☐Probation Violation Petition ☐Supervised Release Violation Petition ☐Violation Notice ☐Order of the Court

This offense is briefly described as follows: Sex trafficking by force, fraud, or coercion; transportation in interstate commerce to engage in prostitution; Coercion and enticement to travel to engage in prostitution, in violation of Title 18, United States Code §§ 1591, 2421 and 2422(a).

Date: 11/17/2016

Issuing officer's signature

City and state: @ Jacksonville, FL

SHERYL L. LOESCH, Clerk, United States District Court
Printed name and title

Return

This warrant was received on *(date)* ______________, and the person was arrested on *(date)* ______________
at *(city and state)* ______________.

Date: ______________

Arresting officer's signature

Printed name and title

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
ERWIN PHILLIPS BURLEY
A/K/A "BLU JAY"

Defendant(s)

Case No. 3:16-mj-1307-JBT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2016 in the county of Duval in the Middle District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1591(a)	In July 2016, in the Middle District of Florida and elsewhere, Erwin Phillips Burley a/k/a "Blu Jay" in and affecting interstate and foreign commerce did knowingly recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicits a person, that is N.F., while knowing and in reckless disregard of the fact that means of fforce, threats of force, fraud, or coercion would be used to cause such N.F. to engage in a commercial sex act.

This criminal complaint is based on these facts:

See attached affidavit

☑ Continued on the attached sheet.

Richard A Trew
Complainant's signature

FBI Task Force Officer Richard Trew
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/9/16

Judge's signature

City and state: Jacksonville, Florida

Joel B. Toomey, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I am a duly sworn and appointed Federal Task Force Officer under the authority of the United States Marshals Service. I am currently assigned to a Federal Bureau of Investigations Violent Crime Task Force. I am employed full time as a Detective for the Jacksonville Sheriff's Office ("JSO") and have been so employed for 26 years. Previously, I was employed as a Detective with the Clay County Sheriff's Office for 11 years. Throughout my career, I have worked on numerous federal investigations and have actively participated in federal human trafficking violations since at least 2008. As a result, I have training and experience in the preparation, presentation, and service of criminal complaints and training and experience in the service of arrest warrants as well as the preparation, presentation, and service of federal search warrant affidavits and federal search warrants, to include the court-authorized searches of mobile telephone devices. As part of my duties, I investigate potential violations of federal law, including but not limited to Title 18, United States Code, Section 1591, which prohibits the transportation of persons across state lines by individuals who recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicit by any means a person to engage in commercial sex acts through force, threats of force, fraud, or coercion.

1. This Affidavit is made in support of a criminal complaint charging that in July of 2016 in the Middle District of Florida and elsewhere, Erwin Phillips BURLEY a/k/a "Blu Jay" in and affecting interstate and foreign commerce did

knowingly recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicit a person, that is N.F., while knowing and in reckless disregard of the fact that means of force, threats of force, fraud, or coercion would be used to cause such N.F. to engage in a commercial sex act in violation of 18 U.S.C. § 1591.

2. This affidavit is based upon my personal knowledge, experience, and training, and other information developed during the course of this investigation. This affidavit is also based upon information and experience imparted to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that violations of 18 U.S.C. § 1591 have taken place.

I. BACKGROUND

3. Based on my training and experience, I am familiar with the commercial sex trade and particularly am familiar with investigating cases involving women coerced to work in the commercial sex trade. I know that individuals working as pimps often force women to perform commercial sex acts and often use force and threats of force as a way to cause women to continue to engage in commercial sex acts. One common method of setting up commercial sex acts is through online ads posted on an internet site called Backpage. Backpage's corporate headquarters are

located in Dallas, Texas and its computer servers are located in the State of Arizona. Whenever a customer posts an ad to Backpage, the ad travels in interstate commerce to arrive on the server. In addition, commercial sex acts may be solicited through walking on specific streets in a city known for prostitution called "tracks" or "blades."

4. I am also familiar with the coded language used by people posting ads for prostitution on Backpage. Typically, the ads will indicate "outcalls" or "incalls," which refers to whether the individual wants customers to come to them or whether they are willing to go to the customer. In addition, the ads will indicate the cost for half-hour and hour increments of time. Also, the ads will frequently state the type of services the individual is willing to provide to customers.

5. In my experience, women working as prostitutes often will be required to meet a quota by making a certain amount of money for her pimp per day. These women will often work all day in an effort to meet this quota and are usually required to turn over all money they make to their pimp. Many times, pimps enforce this requirement through violence.

II. FACTS ESTABLISHING PROBABLE CAUSE

6. On September 19, 2016 and October 17, 2016, I interviewed N.F, who provided facts demonstrating she was a victim of commercial sex trafficking. I have corroborated her facts, by among other things, obtaining hotel records, phone records, medical records, Instagram pictures and posts. One hotel receipt from an Econo Lodge in Jacksonville shows a room was rented from July 14-15, 2016 by C.M. This is an

individual N.F. stated she traveled with to Jacksonville. Cell site data from BURLEY'S and N.F.'s phones demonstrate N.F. and BURLEY were in Jacksonville in July of 2016 at the same time. Medical records from Houston show N.F. reported being hit by a guy different than the guy who she reported to have raped her, referencing BURLEY. Bus records from Greyhound demonstrate N.F. traveled from Jacksonville to New Orleans on July 20, 2016. Some of the Instagram posts and pictures on BURLEY'S Instagram show the following: pictures of "Blu Jay" with large amounts of cash, picture of "Blu Jay" in a shirt with this nickname, and posts in which the mother of his child states his real name "Jr. Burley," states that he makes his money off of women and beats them, and that he is a pimp. These posts are attached hereto as **Exhibit 1**. Based on my training and experience, displays of large amount of cash, particularly in hotel rooms, typically indicates the proceeds of illegal activities such as prostitution. This is consistent with behavior I have observed by other pimps. In addition, during the course of my investigation, I learned that "Blu Jay's" identity is Erwin Phillips Burley II.

During these interviews, N.F. relayed the following:

a. On August 1, 2015, N.F. met BURLEY in Texas. N.F. stated that she was lured to Texas by BURLEY based on promises that she could make a lot of money by working with him. He talked to her about a lavish lifestyle, big houses, nice cars, and making lots of money.

b. BURLEY directed an individual to train N.F. on how to do prostitution. N.F. was told how to walk down the street, wave at cars, how to notice if somebody is interested, what to say, and what not to say. She was told to ask how much time the customer wanted to hang out and how much money she would agree to for the amount of time. She was told not to say that she was agreeing to a sexual act for money in case the customer was VICE or an undercover officer. She was also told not to say that she had a pimp. N.F. was required to call BURLEY "dad."

c. Burley required N.F. to give all of the money she made to him. He provided food and clothing to her. Every day, he gave her food just once a day and it would not be enough food to last the entire day.

d. BURLEY required N.F. to meet a quota when she prostituted, sometimes as much as $1,000. If she did not make that much money, she would be required to continue going on "dates" with customers until she made that amount. If she were tired, BURLEY would provide her and the other girls he forced to work as prostitutes with drugs, such as ecstasy to keep them awake.

e. If she did not make her quota, she would be physically punished by BURLEY. Sometimes he hit her with a phone cord, sometimes a hand. N.F. has permanent marks on her shoulders and legs that I have observed from where BURLEY hit her with the phone cord. He also hit her on her back and buttocks with the phone card. When he hit her with his hands, he would hit her in the face. BURLEY claimed to be hitting as punishment to ensure she remembered not to make the same mistakes again. BURLEY also threatened her.

f. According to N.F., BURLEY considered the following things to be mistakes: not getting money upfront, not securing the money so customers couldn't take it back, talking to other pimps, and looking at other pimps. BURLEY instructed N.F. to put her head down and not look at other pimps and if they would approach on foot, to take off running. If she did not do those things, the other pimps would tell on her.

g. At BURLEY'S direction, N.F. eventually began posting ads on Backpage for prostitution. N.F. wrote her own ads, but BURLEY paid for them.

h. Due to the violence, N.F. left BURLEY. However, BURLEY'S control continued even outside his presence, causing her to return to BURLEY when asked.

i. In July of 2016, BURLEY picked up N.F. from New Orleans, Louisiana and transported her to Jacksonville, Florida for the purpose of engaging in prostitution. She rode in a car with several other women who were also working as prostitutes for BURLEY, including C.M. and S.W. While there, N.F. worked as a prostitute in several different areas of Jacksonville, including the Southside and JTB. She advertised on Backpage and walked the streets.

j. While in Jacksonville, BURLEY determined that N.F. needed to be punished for her "evil acts," which included running away from him. BURLEY started cutting off her hair and then forced her to choose between her hair and her life. Fearing for her life, she chose to lose her hair. BURLEY then cut off N.F.'s hair and video chatted his friends who were pimps and live-streamed himself shaving off all of N.F.'s hair. He referred to this practice as "scalping" and stated that he would stop beating his girls and instead "scalp" them. After shaving her hair off, BURLEY dropped N.F. off. N.F. was able to make enough money to take a city bus to the Greyhound bus station and leave town. Attached hereto as **Exhibit 2** are Instagram pictures of this "scalping" and the accompanying explanation provided by N.F. in an Instagram post. These pictures were provided by N.F.

k. On October 17, 2016, N.F. informed me that she told BURLEY about my visit with her and the federal investigation into him. BURLEY instructed N.F. not to tell me or other investigators anything and warned her that she would be in just as much trouble as him if she said anything. BURLEY also implied that he would kill her if she said anything about him during our investigation.

l. I have found N.F.'s statements to be credible. As detailed above, we have been able to verify her account through hotel records, phone records, medical records, Instagram pictures and posts, and interviews with other witnesses.

m. On November 9, 2016, N.F. contacted Special Agent Courtney Harrison of the Florida Department of Law Enforcement via email. Special Agent Harrison forwarded this email to me. N.F.'s email stated that she had travelled to Austin from her home state of Arkansas. She had nowhere to go, no money, and no one to stay with. Feeling she had no choice, she contacted BURLEY. She stated that she is afraid BURLEY may kill her and requested that investigators keep tabs on her. She said she would try to sneak messages to investigators so that investigators could track her. So far, via another email from N.F. to Special Agent Harrison that was forwarded to me, I was informed that N.F. was picked up at a gas station near a Holiday Inn and she requested that investigators check any video surveillance that may have shown her. In light of BURLEY'S previous violent behavior and implied threat he would kill her for talking to federal authorities, I am concerned for N.F.'s safety.

19. Based on my training, experience and the foregoing, there is probable cause to believe that in July of 2016, in the Middle District of Florida and elsewhere, Erwin Phillips BURLEY, a/k/a "Blu Jay." in and affecting interstate and foreign commerce did knowingly recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicits a person, that is N.F., while knowing and in reckless disregard of the fact that means of force, threats of force, and fraud would be used to cause such N.F. to engage in a commercial sex act. This is in violation of 18 U.S.C. § 1591(a).

Richard Trew
FBI Task Force Officer

Sworn and subscribed before me
this 9th day of November 2016:

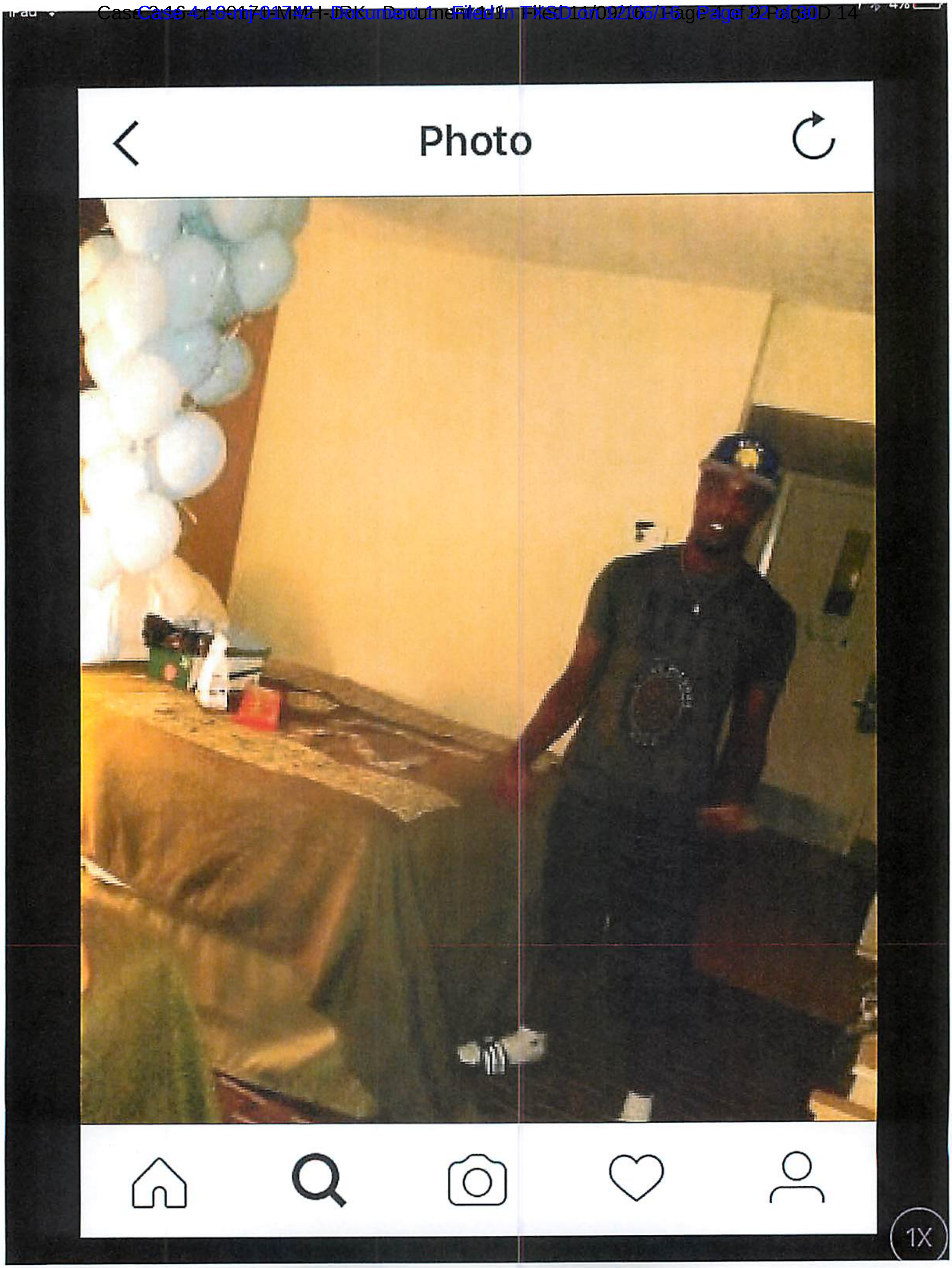
BY THE COURT:

JOEL B. TOOMEY
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

Photo
benjibandz52
DOT SAUCE
SAUCE
5TH WARD
BluJay
SAUCE
SAUCE
DOT SAUCE
1X

Video
benjibandz52
1X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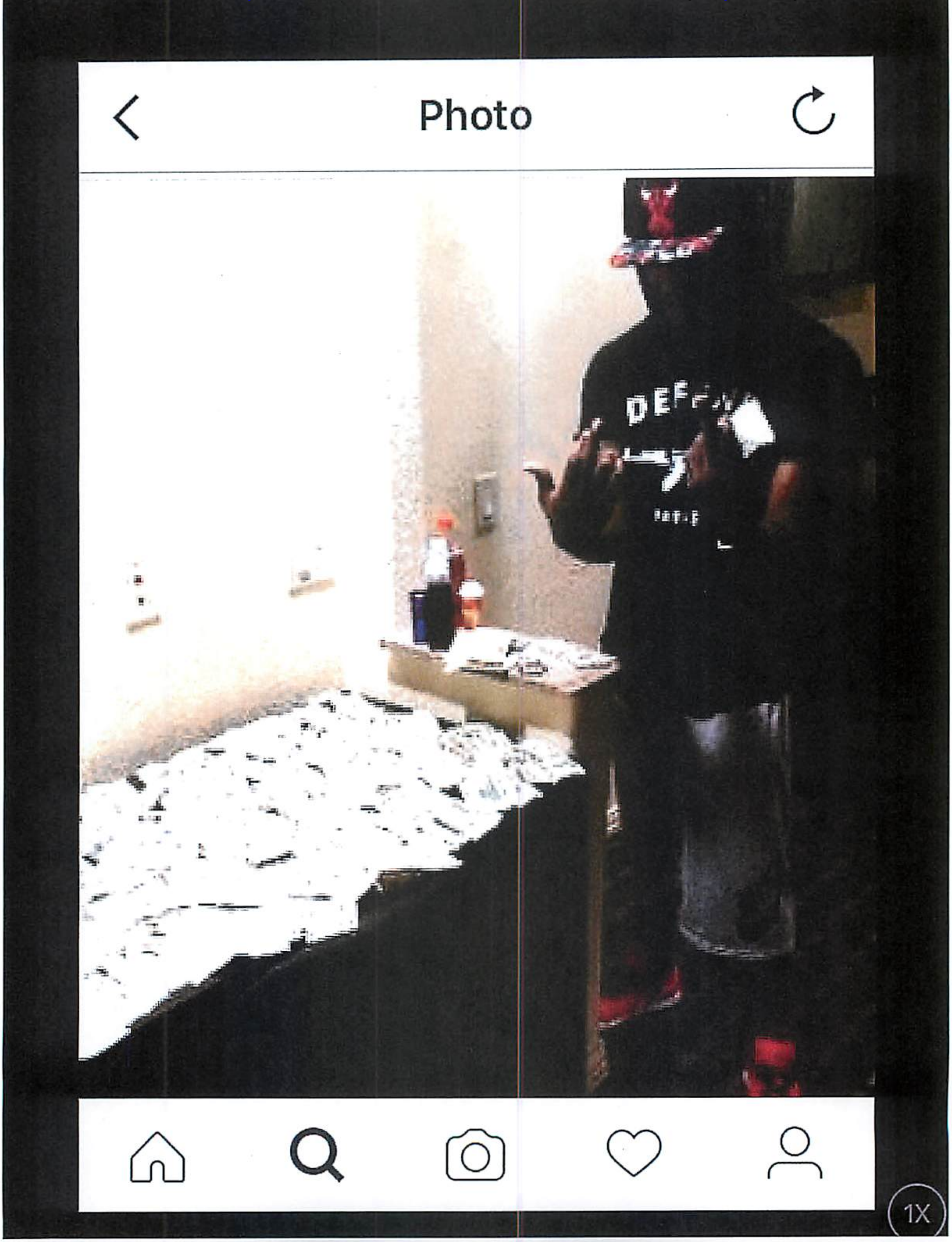
Case 3:16-cr-00170-M-H-JRK Document 1 Filed 11/09/16 Page 5 of 9 PageID 15



Comments

benjibandz52 36w

Forever my Valentine my lil girl born on v day the greatest gift and one can ever have despite all the bs i love u more than life it self would literally give you my heart but u already got it happy birthday my valentine from daddy
#koyaMichelle
#daddylove

benjibandz52 36w

Growing up so fast on me

farfrm_basic 27w

You are a fuckin bum who replys on females to support you... All this free money and still haven't bought your baby a present for her bday in 5 going on 6 years dumbho. Smfh take this shit down now. You don't even deserve to flaunt MY child like you actually even

Add a comment... Post

1X

Comments

bitch grow the fucc up and please dnt believe the lies you still angry i aint wanna square up wit u stop talkin bout my pass iam a grown man with grown man money and would like to be a part of my daughters life but u would have to undo all those lies got her believing thats her dad iam going to remain a gentleman but make a nigga blast u on the next u got a pass to HOE

farfrm_basic 27w

Bitch I'm grown too. So there nothing you can say to out do anything I'm trying to tell you. You still a pimp you still be shermed out nothing's changed on your end. Bitch I've actually grown into a ADULT. You still beating hoes up taking there money. And you have a daughter and the example your sending to her is........ Fall off be gone delete the messages I don't give a fuck

Add a comment... Post

1X

Comments

trying to tell you. You still a pimp you still be shermed out nothing's changed on your end. Bitch I've actually grown into a ADULT. You still beating hoes up taking there money. And you have a daughter and the example your sending to her is........ Fall off be gone delete the messages I don't give a fuck but leave MY CHILD OFF YOUR PAGE. Your not worthy like at all!

farfrm_basic 27w

I haven't thought of you in 5 years JR BURLEY. So I still want you 😭 😭 😭 😭 😭 😭 😭 😭 😭 😭 you funny. You just worthy to have MYCHILD on anything that associates with you and I'm telling you NOW in case you forgot

benjibandz52 20w

I thought my page was private anyway

Add a comment... Post

1X

Comments

farfrm_basic 27w

You are a fuckin bum who replys on females to support you... All this free money and still haven't bought your baby a present for her bday in 5 going on 6 years dumbho. Smfh take this shit down now. You don't even deserve to flaunt MY child like you actually even know her! OUT OF LINE

farfrm_basic 27w

Your a sperm donor bro. Nothin more she don't even remember you. Sad part about it

benjibandz52 27w

u got sum nerves to say that bullshit when u the one who blocc me out of her life i offered too many times how bout a wrkin number u kno i love that lil girl wit all my heart thats why u keep

Add a comment... Post

1X

EXHIBIT 2

Photo

amberalert96 Nobody deserves this no matter what they do. But u win @benjibandz52 I'm out the game. U would have been better off beating me with the phone cord.

1X

Photo

therealmemphissmoke901

amberalert96 NOTHING is okay with someone doing this to a person. My hair was 32" and full of life. I'm not embarrassed I'm hurt. And I REFUSE to keep quiet any longer about my abuser. This is not showing u care. This does not prove ur pimpin. This is ABUSE. And any 304 consider @benjibandz52 blujay high as a bird fly as a bird obk lifestyle in choosing. Know what ur getting into. He said he's done beating us. He's scalping now. He took a whole new level to this cut the bitch head shit.